

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	Criminal No. 3:18-CR-186-D(3)
VS.	§	
	§	
BRANDON JAMAAL RAMBO,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION
AND ORDER

Defendant Brandon Jamaal Rambo's ("Rambo's") July 20, 2023 motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10 is denied.¹

Under 18 U.S.C. § 3582(c)(2), the court may modify a term of imprisonment:

in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o) . . . after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

U.S.S.G. § 1B1.10(a)(1) permits the court to reduce a defendant's term of imprisonment "[i]n a case in which a defendant is serving a term of imprisonment, and the guideline range applicable to that defendant has subsequently been lowered as a result of an amendment to

¹On July 25, 2023 the court entered an order directing the government to file a response to Rambo's motion and permitting Rambo to file a reply. The government filed its response on August 21, 2023. Rambo has not filed a reply, and the deadline for doing so has passed. The motion is now ripe for a decision.

the Guidelines Manual listed in subsection (d) below.”

Rambo appears to seek a sentence reduction based on his “post-conviction, post-sentencing rehabilitation efforts,” D. Mot. 1, but this is not a sufficient basis for relief under § 3582(c)(2) or U.S.S.G. § 1B1.10. Rambo does not identify any applicable amendment to the guidelines that would entitle him to relief under § 3582(c)(2). And as the government points out in its response, “even if sentenced today . . . , Rambo would not receive a lower base offense level than he already received.” Gov’t Resp. 3.

Accordingly, because Rambo is ineligible for a sentence reduction under 18 U.S.C. § 3582(c)(2), his motion is denied.²

SO ORDERED.

September 27, 2023.



SIDNEY A. FITZWATER
SENIOR JUDGE

²On May 24, 2023 Rambo filed a motion requesting that the court take judicial notice that one of his codefendants has been released and that the other will be released next year. The court grants this request but notes that these facts do not persuade the court to alter its decision regarding Rambo’s motion.